

Issues Related to the El Paso Aquifer Exemption, 7-23-12

1. Justification as a nonsubstantial revision. The El Paso aquifer exemption request is for a USDW of marginal quality (>8000 tds) and great depth (>1000'). There are no drinking water wells producing from this aquifer within the proposed exemption area or anywhere near it regionally. Due to high salinity and arsenic, the aquifer water is unfit for human or livestock consumption without significant treatment. The public participation for the state permit generated no public comment.

2. Reasons for declining the NM request for closure/monitoring of nearest well to border.

1 – The background gradient is strong and in a southerly direction, away from the border with New Mexico, making it less likely for the plume to expand to the north.

2 – Based on New Mexico concern, TCEQ has lowered the injection rate by one half in the well nearest the New Mexico border.

3 – The Class V disposal wells run on gravity feed. The receiving formation is therefore highly permeable and/or has a low formation pressure, further reducing the risks from injection.

4 – There are no drinking water wells in adjacent areas in New Mexico that produce from the proposed exemption formation. The area on both sides of the state boundary is Fort Bliss.

3. Aquifer exemption for a Class V well, and injection above MCL. The receiving formation is a USDW and is the lowermost USDW. While injection is into a USDW, the well cannot be classified as Class I. Injectate levels will exceed MCLs for arsenic. As described above, the water cannot be used as drinking water without substantial treatment. Also, the same treatment (RO) commonly used to reduce salinity also reduces arsenic and other contaminants. There are no known USDWs beneath the proposed exemption and no alternative injection zones at that site. While we find no potential to violate 144.12, the State interprets its applicable rule at TAC 331.5 as requiring an exemption to allow the injection.